

2003 DRAFTING REQUEST

Bill

Received: 10/22/2003

Received By: rchampag

Wanted: Soon

Identical to LRB:

For: David Cullen (608) 267-9836

By/Representing: Rex Loeh

This file may be shown to any legislator: NO

Drafter: rchampag

May Contact:

Addl. Drafters:

Subject: Employ Pub - miscellaneous
 Employ Pub - retirement

Extra Copies:

Submit via email: YES

Requester's email: Rep.Cullen@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Payment of certain death benefits under the Wisconsin Retirement System

Instructions:

See Attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rchampag 10/22/2003	jdye 10/23/2003		_____			State Retire
/1			pgreensl 10/23/2003	_____	sbasford 10/23/2003	mbarman 01/28/2004	

01/28/2004 09:06:21 AM

Page 2

FE Sent For:

<END>

→ A+
Intro.

10/23/2003 02:43:18 PM

Page 1

2003 DRAFTING REQUEST**Bill**Received: **10/22/2003**Received By: **rchampag**Wanted: **Soon**

Identical to LRB:

For: **David Cullen (608) 267-9836**By/Representing: **Rex Loehe**This file may be shown to any legislator: **NO**Drafter: **rchampag**

May Contact:

Addl. Drafters:

Subject: **Employ Pub - miscellaneous**
Employ Pub - retirement

Extra Copies:

Submit via email: **YES**Requester's email: **Rep.Cullen@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Payment of certain death benefits under the Wisconsin Retirement System

Instructions:

See Attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rchampag 10/22/2003	jdye 10/23/2003					State Retire
/1			pgreensl 10/23/2003		sbasford 10/23/2003		

per

FE Sent For:

<END>

10/22/2003 02:19:45 PM

Page 1

2003 DRAFTING REQUEST**Bill**Received: **10/22/2003**Received By: **rchampag**Wanted: **Soon**

Identical to LRB:

For: **David Cullen (608) 267-9836**By/Representing: **Rex Loehe**This file may be shown to any legislator: **NO**Drafter: **rchampag**

May Contact:

Addl. Drafters:

Subject: **Employ Pub - miscellaneous
Employ Pub - retirement**

Extra Copies:

Submit via email: **YES**Requester's email: **Rep.Cullen@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Payment of certain death benefits under the Wisconsin Retirement System

Instructions:

See Attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rchampag	1/10/22 JLD	10/22 PR	10/22 PR/RF			

FE Sent For:

<END>

Champagne, Rick

From: Loehe2, Rex
Sent: Wednesday, October 22, 2003 10:14 AM
To: Champagne, Rick
Subject: Rep. Cullen Bill Draft

Hi Rick:

Here's the background memo for the bill draft. Please give me a call if you have any questions or need additional information.

Thanks,

Rex Loehe
Office of Representative David Cullen
7-9836



MEMO to David re
Joyce Casey -...

MEMO

TO: David
FROM: Rex
RE: Constituent Joyce Casey
DATE: September 23, 2003

Joyce Casey
416 N. 75th Street, Apt. 11
Milwaukee, WI 53213
(414) 302-1944

Tom Barrett who's been trying to assist her with this matter referred Joyce to your office:

Background: Her husband Joe who had worked for MATC in Milwaukee for about 15 years passed away on February 16, 1999, at the age of 51. Joe had a pension at that time, which under state law provided that a widow/widower would receive ½ of the pension upon the death of a spouse. About a month after Joe's death, the state changed the law to provide for surviving spouses to receive full pensions.

At that time Joyce had contacted the Governor and then Senator Rosenzweig to see if there was some way she could be covered under the new law. To the best of my knowledge from my conversation with Joyce, Senator Rosenzweig had introduced legislation to accomplish this and somewhere along the line Senator Chvala didn't allow her case to be heard. Senator Rosenzweig then lost her reelection and the matter fell to the wayside.

I contacted Attorney Bill Ford in the Legislative Council, who staffs the Joint Survey Committee on Retirement Systems. He said the proper procedure would be to introduce legislation that would compensate Joyce, which would be properly referred to the Joint Survey Committee on Retirement Systems. He did, however, caution two points:

1. The introduction of legislation like this, will subsequently affect thousands of other individuals.
2. Because of our State Constitution, any bill increasing benefits for those already receiving a retirement benefit or the retirement benefit of the deceased, the funding source must be GPR and receive a ¾ vote of the full legislature. This constitutional provision is to prevent retroactively increasing salaries or benefits of state employees.



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-2393/1

RAC:wlj:km

Soon
(2001) BILL

LRB-3542/1

RAC:jld

2003

LPS-please
check auto
refs

Reger

1

2

AN ACT *to create* 20.515 (1) (bm) of the statutes; **relating to:** death benefits provided under the Wisconsin retirement system and making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, as the result of the enactment of 1999 Wisconsin Acts 11 and 12, a beneficiary of a participating employee in the Wisconsin retirement system (WRS) may receive a death benefit equal to the sum of the additional and *twice* the employee required contribution accumulations credited to the participant's account. Before the enactment of 1999 Wisconsin Acts 11 and 12, however, the value of the death benefit, with certain exceptions, was the sum of the additional and the employee required contribution accumulations, not *twice* the employee required contribution accumulations.

This bill provides that any WRS participant who at the time of death was a participating employee, who died between January 1, 1999, and December 31, 1999, shall have his or her death benefit retroactively increased by an amount equal to the participant's employee required contribution accumulations that were credited to the participant's account on the beneficiary annuity effective date, or in the case of a lump sum payment, on the first day of the month in which the department of employee trust funds (DETF) approved the payment of the death benefit.

To qualify for the increased death benefit, the beneficiary to whom or which the death benefit was payable must either have been a dependent of the participant or a trust in which a dependent had a beneficial interest. In addition, the beneficiary must submit an application to DETF, on a form provided by DETF, before the first day of the sixth month beginning after the effective date of the bill.

BILL

This bill will be referred to the joint survey committee on retirement systems for a detailed analysis, which will be printed as an appendix to this bill.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.515 (1) (bm) ✓ of the statutes is created to read:

2 20.515 (1) (bm) *Increased death benefits.* A sum sufficient to pay the cost of any
3 increased death benefits required under ~~2001~~ Wisconsin Act ... (this act), section 2
4 (1) to (3). 2003 ✓ a.r. ↑

5 **SECTION 2. Nonstatutory provisions.**

6 (1) In this section: cs

7 (a) "Beneficiary" has the meaning specified in section 40.02 (8) ✓ of the statutes.

8 (b) "Beneficiary annuity" has the meaning specified in section 40.02 (9) ✓ of the
9 statutes.

10 (c) "Creditable service" has the meaning specified in section 40.02 (17) ✓ of the
11 statutes.

12 (d) "Department" has the meaning specified in section 40.02 (19) ✓ of the
13 statutes.

14 (e) "Dependent" has the meaning specified in section 40.02 (20) ✓ of the statutes.

15 (f) "Employee required contribution" has the meaning specified in section 40.02
16 (27) ✓ of the statutes.

17 (g) "Participant" has the meaning specified in section 40.02 (45) ✓ of the statutes.

18 (h) "Participating employee" has the meaning specified in section 40.02 (46) ✓ of
19 the statutes.

BILL

(i) "Protective occupation participant" has the meaning specified in section 40.02 (48) of the statutes.

(2) Notwithstanding section 40.73 (1) (a), 1999 stats., any participant who at the time of death was a participating employee, who died between January 1, 1999, and December 31, 1999, and who was not eligible for the death benefit provided under section 40.73 (1) (c), 1999 stats., shall have his or her death benefit retroactively increased by an amount equal to the participant's employee required contribution accumulations that were credited to the participant's account on the beneficiary annuity effective date, or, in the case of a lump sum payment, on the first day of the month in which the department approved the payment of the death benefit.

(3) An increased death benefit may be provided under this section only if all of the following conditions are satisfied:

(a) The beneficiary to whom the death benefit was payable must either have been a natural person or a trust in which a natural person had a beneficial interest.

(b) The beneficiary submits an application to the department, on a form provided by the department, before the first day of the 6th month beginning after the effective date of this paragraph.

(c) The participant was not covered under section 40.73 (1) (a) 1. or 2., 1999 stats.

(END)

1999 stats.
section 40.73 (1) (a)